

HOUSE BILL 998

L1, P1

2lr2019

By: Allegany County Delegation

Introduced and read first time: February 10, 2012

Assigned to: Environmental Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Counties – Compilations of Local Laws – Copies to State Agencies**

3 FOR the purpose of authorizing a county to notify certain State agencies that a digital
4 copy of a code or compilation of certain local laws is available as an alternative
5 to depositing or furnishing printed copies of the code or compilation under
6 certain circumstances; altering certain provisions regarding a certain State
7 agency receiving copies of compilations of local laws under certain
8 circumstances; and generally relating to copies of compilations of local laws and
9 State agencies.

10 BY repealing and reenacting, with amendments,

11 Article 25 – County Commissioners

12 Section 32A

13 Annotated Code of Maryland

14 (2011 Replacement Volume)

15 BY repealing and reenacting, with amendments,

16 Article 25A – Chartered Counties of Maryland

17 Section 7

18 Annotated Code of Maryland

19 (2011 Replacement Volume)

20 BY repealing and reenacting, with amendments,

21 Article 25B – Home Rule for Code Counties

22 Section 12

23 Annotated Code of Maryland

24 (2011 Replacement Volume)

25 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
26 MARYLAND, That the Laws of Maryland read as follows:

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 **Article 25 – County Commissioners**

2 32A.

3 (A) [Whenever] **EXCEPT AS PROVIDED IN SUBSECTION (B) OF THIS**
4 **SECTION, WHENEVER** the board of county commissioners or county council of any
5 county in this State publishes or issues in printed, mimeographed or similar
6 duplicated form a code or compilation containing all or a portion of the public local
7 laws of the county, the board or council shall deposit printed copies free of charge with
8 the following State agencies: State Archives, one copy; State Law Library, one copy;
9 State Department of Legislative Services, five copies.

10 (B) **THE BOARD OR COUNCIL, AT ITS DISCRETION, MAY NOTIFY A STATE**
11 **AGENCY, AS AN ALTERNATIVE TO DEPOSITING PRINTED COPIES OF THE CODE**
12 **OR COMPILATION AS REQUIRED UNDER SUBSECTION (A) OF THIS SECTION,**
13 **THAT A DIGITAL COPY OF THE CODE OR COMPILATION IS AVAILABLE ON THE**
14 **INTERNET.**

15 **Article 25A – Chartered Counties of Maryland**

16 7.

17 (a) (1) At the end of each calendar or fiscal year, each charter county shall
18 furnish in a convenient and legible compilation a complete set of all laws enacted
19 during that year under the “Express Powers Act” in § 5 of this article, whether to
20 enact, amend, or repeal a local law.

21 (2) The laws in the compilation shall be in numerical sequence,
22 beginning with No. 1, and in a separate series for each year.

23 (b) (1) Copies of this compilation shall be:

24 (i) Made available for inspection at the office of the county
25 council, county executive, or county manager, during normal business hours; and

26 (ii) Kept on permanent record in the same office.

27 (2) Each charter county shall:

28 (i) [Furnish] **EXCEPT AS PROVIDED IN SUBSECTION (I) OF**
29 **THIS SECTION, FURNISH** printed copies of the compilation to the State Archives and
30 the State Law Library; and

31 (ii) Once each year:

1 1. Notify each member of the county's legislative
2 delegation that a digital copy of the compilation is available on the Internet; or

3 2. Furnish a printed copy of the compilation to each
4 member of the county's legislative delegation.

5 (3) Copies under paragraph (2) of this subsection shall be furnished
6 without charge, and the county also may make other copies available at a reasonable
7 cost to any person.

8 (c) [Not] **EXCEPT AS PROVIDED IN SUBSECTION (I) OF THIS SECTION,**
9 **NOT** later than March 1 of the next succeeding year, the charter county, without
10 charge, shall furnish 4 printed copies of the compilation to the State Department of
11 Legislative Services.

12 (d) (1) Each charter county shall provide to the State Department of
13 Legislative Services a statement concerning any referendum on any proposed local
14 law.

15 (2) The statement shall include information on the results of any
16 referendum held during the year, and it shall include information as to any
17 referendum pending actually or potentially, but not yet held, at the end of the year.

18 (e) (1) At the end of each calendar year the State Department of
19 Legislative Services shall address an inquiry to each charter county inquiring whether
20 or not during that calendar year or its latest fiscal year it has enacted, amended or
21 repealed any portion of its laws under the "Express Powers Act".

22 (2) The charter county shall promptly answer the inquiry and shall
23 verify that [printed] copies of all such enactments, amendments, or repeals have
24 already been sent **OR MADE AVAILABLE** to the Department.

25 (f) (1) If the charter county fails or refuses to supply [printed] **OR MAKE**
26 **AVAILABLE** copies of this compilation and of the results of any referenda thereon to
27 the State Department of Legislative Services by March 1 of the next succeeding year,
28 or fails or refuses to certify that there have been no such enactments, amendments, or
29 repeals, or referenda, during the last calendar or fiscal year, the Department shall
30 promptly certify that fact to the State Comptroller, who then may order the
31 discontinuance of all funds, grants or State aid which the charter county is entitled to
32 receive under State law.

33 (2) This section refers specifically to all funds, grants or State aid
34 which the charter county is entitled to receive under applicable provisions of State law
35 relating to the income tax, the tax on racing, the recordation tax, the admissions and
36 amusement tax, and the license tax.

1 (g) (1) The State Department of Legislative Services shall receive the
2 compilations and statements delivered **OR MADE AVAILABLE** to it.

3 (2) The titles of the laws of the several charter counties which amend
4 their codes of public local laws shall be arranged in a logical and convenient order and
5 shall be delivered to the State printer for inclusion in the Session Laws of the General
6 Assembly for its regular session in that year.

7 (3) The titles of the laws of the charter counties which amend their
8 codes of public local laws shall be printed and identified as such, and they shall be
9 indexed with or in a supplemental volume to the laws enacted by the General
10 Assembly.

11 (h) [Whenever] **EXCEPT AS PROVIDED IN SUBSECTION (I) OF THIS**
12 **SECTION, WHENEVER** the county council of any county in this State publishes or
13 issues in printed, mimeographed, or similar duplicated form a code or compilation
14 containing all or a portion of the public local laws of the county, the council shall
15 deposit printed copies free of charge with the following State agencies: State Archives,
16 1 copy; State Law Library, 1 copy; State Department of Legislative Services, 5 copies.

17 **(I) A CHARTER COUNTY, AT ITS DISCRETION, MAY NOTIFY A STATE**
18 **AGENCY, AS AN ALTERNATIVE TO FURNISHING PRINTED COPIES OF THE CODE**
19 **OR COMPILATION AS REQUIRED UNDER THIS SECTION, THAT A DIGITAL COPY OF**
20 **THE CODE OR COMPILATION IS AVAILABLE ON THE INTERNET.**

21 **Article 25B – Home Rule for Code Counties**

22 12.

23 (a) At the end of each calendar or fiscal year, each code county shall furnish
24 in a convenient and legible compilation a complete set of all local laws enacted,
25 amended, or repealed by the code county during that year.

26 (b) (1) Copies of this compilation shall be:

27 (i) Made available for inspection at the office of the board of
28 county commissioners during normal business hours; and

29 (ii) Kept on permanent record at the office of the board of county
30 commissioners.

31 (2) Each code county shall:

32 (i) [Furnish] **EXCEPT AS PROVIDED IN SUBSECTION (I) OF**
33 **THIS SECTION, FURNISH** printed copies to the State Archives and to the State Law
34 Library; and

1 (ii) Once each year:

2 1. Notify each member of the county's legislative
3 delegation that a digital copy of the compilation is available on the Internet; or

4 2. Furnish a printed copy of the compilation to each
5 member of the county's legislative delegation.

6 (3) Copies under paragraph (2) of this subsection shall be furnished
7 without charge, and the county also may make other copies available at a reasonable
8 cost to any person.

9 (c) [Not] **EXCEPT AS PROVIDED IN SUBSECTION (I) OF THIS SECTION,**
10 **NOT** later than March 1 of the next succeeding year, the code county, without charge,
11 shall furnish 4 printed copies of this compilation to the State Department of
12 Legislative Services.

13 (d) (1) Each code county shall provide to the State Department of
14 Legislative Services a statement concerning any referendum on any proposed local
15 law.

16 (2) The statement shall include information on the results of any
17 referendum held during the year, and it shall include information as to any
18 referendum pending actually or potentially, but not yet held, at the end of the year.

19 (e) (1) At the end of each calendar year the State Department of
20 Legislative Services shall address an inquiry to each code county inquiring whether or
21 not during that calendar year or its latest fiscal year it has enacted, amended or
22 repealed any portion of its public local laws.

23 (2) The code county shall promptly answer the inquiry and shall verify
24 that [printed] copies of all such enactments, amendments, or repeals have already
25 been sent **OR MADE AVAILABLE** to the Department.

26 (f) (1) If the code county fails or refuses to supply [printed] **OR MAKE**
27 **AVAILABLE** copies of this compilation and of the results of any referenda thereon to
28 the State Department of Legislative Services by March 1 of the next succeeding year,
29 or fails or refuses to certify that there have been no such enactments, amendments, or
30 repeals, or referenda, during the last calendar or fiscal year, the Department shall
31 promptly certify that fact to the State Comptroller, who then may order the
32 discontinuance of all funds, grants or State aid which the code county is entitled to
33 receive under State law.

34 (2) This section refers specifically to all funds, grants or State aid
35 which the code county is entitled to receive under applicable provisions of State law

1 relating to the income tax, the tax on racing, the recordation tax, the admissions and
2 amusement tax, and the license tax.

3 (g) (1) The State Department of Legislative Services shall receive the
4 compilations and statements delivered **OR MADE AVAILABLE** to it.

5 (2) The titles of the laws of the several code counties which amend
6 their codes of public local laws shall be arranged in a logical and convenient order and
7 shall be delivered to the State printer for inclusion in the Session Laws of the General
8 Assembly for its regular session in that year.

9 (3) The titles of the laws of the code counties which amend their codes
10 of public local laws shall be printed and identified as such, and they shall be indexed
11 with or in a supplemental volume to the laws enacted by the General Assembly.

12 (h) [Whenever] **EXCEPT AS PROVIDED IN SUBSECTION (I) OF THIS**
13 **SECTION, WHENEVER** a code county in this State publishes or issues in printed,
14 mimeographed, or similar duplicated form a code or compilation containing all or a
15 portion of the public local laws of the county, the code county shall deposit printed
16 copies free of charge with the following State agencies: State Archives, 1 copy; State
17 Law Library, 1 copy; State Department of Legislative Services, 5 copies.

18 **(I) A CODE COUNTY, AT ITS DISCRETION, MAY NOTIFY A STATE**
19 **AGENCY, AS AN ALTERNATIVE TO FURNISHING PRINTED COPIES OF THE CODE**
20 **OR COMPILATION AS REQUIRED UNDER THIS SECTION, THAT A DIGITAL COPY OF**
21 **THE CODE OR COMPILATION IS AVAILABLE ON THE INTERNET.**

22 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
23 October 1, 2012.